

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**CARL STEWART,  
a/k/a CARL BURTON,**

## Plaintiff

**V.**

**SUPERINTENDENT DAVID A. VERANO, et al.,**

## Defendants

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**CIVIL NO. 1:13-CV-2518**

**(Judge Rambo)**

**(Magistrate Judge Mehalchick)**

# MEMORANDUM

Before the court is a report and recommendation (Doc. 131) of the magistrate judge to whom this matter was referred in which she recommends that Plaintiff's motion for a preliminary injunction against Defendants Dr. Michael Weisner, Dr. Stanley Stanish, and P.A. Jennifer Daya be denied. Plaintiff Carl Stewart, a/k/a Carl Burton, ("Stewart") has filed objections (Doc. 134) to the report and recommendation.

In seeking a preliminary injunction, Stewart requests that he be transferred to federal custody on the basis that prison officials at SCI-Greene have failed to provide him with his boxes of legal material. (Doc. 131 at p. 2.) Defendants Weisner, Stanish, and Daya filed an opposing brief alleging that as named medical defendants, they have no control over Stewart's legal property. (Doc. 128.) The magistrate judge agreed with this position.

In his objections, Stewart goes through a litany of accusations which is a rehash of the allegations in his complaint as to why he should not be entitled to a preliminary injunction. He does not respond specifically to the reasoning of the

magistrate judge as to why the medical defendants are not subject to an injunction on the issue of his legal documents.

The report and recommendation will be adopted. An appropriate order will be issued.

s/Sylvia H. Rambo  
United States District Judge

Dated: April 8, 2015.